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CONTENTS

	Page
The First Landfall of Columbus; by J. W. REDWAY.....	179
Japan; by D. W. STEVENS.....	193
Geography of the Air; Annual Address by Vice-President General A. W. GREELY.....	200
Sir Francis Drake's Anchorage; by E. L. BERTHOUD.....	208
Note on the Height of Mount Saint Elias; by PROFESSOR I. C. RUS- SELL.....	215
Geographic Notes; by CYRUS C. BABB:	
The Antarctic Continent.....	217
Magnetic Observations in Iceland, Jan Mayen and Spitzbergen in 1892.....	223
A new Light on the Discovery of America.....	224
Monographs of the National Geographic Society.....	225
Important Announcement concerning Essays.....	227
Laws of Temperature Control of the Geographic Distribution of Terrestrial Animals and Plants; Annual Address by Vice-Presi- dent DR C. HART MERRIAM.....	229

JAPAN

BY

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(Extract of Address presented before the Society October 19, 1894)*

The restoration of 1868 found Japan in a disordered and impoverished condition. The assumption by the Emperor of the imperial power and the relegation of the Shogun to private station were not the results of a sudden emeute or of a hastily planned revolution. The seeds of discontent had been long sown—the fruit was long in maturing. Japan had been closed to the world for centuries ; but no people can be shut off completely from knowledge of the rest of mankind, or from contact with the ideas of a progressive age. The government of the Shogun was a feudal despotism, a system as complete as any that ever existed in the middle ages, surviving apparently unimpaired to the last half of the nineteenth century. It was a government which had served a good purpose at one time, for it had quelled and pacified warring factions and had given the nation much needed rest under a wise, if a severe, rule. But its day of usefulness was past ; those who controlled it saw the threatening dawn of a new era, and their wisdom became cunning, their severity, tyranny. It may be safely asserted that the Shogunate would have fallen in any event, from internal feuds and dissensions ; but strangely enough the death blow to its power was that event of which we Americans are so justly proud—the conclusion of the Perry treaty. It was this dawn of daylight from the outer world which showed intelligent Japanese how thoroughly out of touch their country and, above all, their form of government was with the spirit of the age. It was then that the little band of reformers who were chiefly instrumental in

* The Editors regret that space will not permit the publishing of this address in full.

bringing about the great change of '68 began their work. They were aided in a measure by the cry of opposition to foreign intrusion which the conclusion of treaties with western powers immediately aroused. There are conservatives in all countries, and the Japanese conservatives of that day formed the *Joi* or anti-foreign party. Like skillful politicians, those who were seeking the destruction of the illogical and unwieldly dual government availed themselves of this, as well as of all other forms of discontent and opposition, in order to better accomplish their purpose. The facts of history will bear me out in the assertion that, like wise statesmen, they permitted it to have no share in their policy when they themselves came into power.

Glance at the first acts of the Emperor when he assumed the exercise of all those prerogatives of which his ancestors had been deprived for more than three centuries and tell me, if you please, whether the men who guided and directed the counsels of the youthful sovereign were visionary schemers or practical statesmen; whether they were merely lucky speculators trading upon borrowed ideas, or whether they were men who understood their country and their countrymen and cherished a hopeful but not an unreasonable or an illogical ambition for both?

One of the first acts of the Emperor was to issue an edict abolishing the laws against foreign religions and their propagation among the Japanese.

The daimiyos or feudal chiefs surrendered their fiefs to the crown and accepted in lieu the bonds of the government at amounts, it should be added, much less than the value of their original holdings. This, it must not be forgotten, was an entirely voluntary act of self-abnegation.

The samurai or military class, whose privileges, rigorously secured and jealously guarded, made them the real masters of Japan, especially in times of domestic disorder, like their chiefs, the daimiyos, accepted capitalized pensions instead of the regular support to which their fealty and their service had entitled them; and I should add that the dangers to be apprehended from the discontented and turbulent members of this powerful class thus thrown out of employment, and in many cases sadly impoverished, were anticipated and guarded against by the passage and enforcement of a law which has proved itself the highest form of statesmanship. I refer now to the conscription law, by which every Japanese, rich and poor, high and low, is obliged to serve

in the army for a certain period, and thereafter for a certain further time to hold himself in readiness for such service. The wisdom of such a law, in view of a possible uprising of the samurai, was signally proved by the serious outbreak which occurred in Japan in 1877. The result of that rebellion set at rest forever the question of rule by a military class in Japan.

The reorganization of the whole fabric of the public administration was naturally the first care of the imperial government. The departments were all established upon a new and an effective basis. Foreign advisers were employed to assist in the work, and no effort or expense was spared to create a system which would be at once modern, practical and economical.

Time will not permit and it would weary you to recount all that was done. A few instances will serve to illustrate the whole.

The government recognized the importance of education to themselves and to the masses. A complete system of educational institutions was established in every part of the empire, beginning with primary schools in every hamlet, through middle, normal and other more advanced institutions, up to the university in Tokio. Hospitals were endowed, and especial attention was paid to education in medicine and surgery. Nor was any distinction made between the sexes, but schools were established for the education of women as well as of men. This system has been steadily followed throughout, with only those changes which experience has shown to be advisable and beneficial. There are also a number of private educational establishments in Japan, many of which hold a deservedly high rank. Some of these are denominational, established in the first place by foreign missionary bodies, but now exclusively under Japanese control, while others are secular, the result of the labors of men of high scholarly attainments and conspicuous executive ability.

In all public works the government has taken an active and an earnest interest. The establishment of railway and steamship lines, of telegraph and post-roads, and, in short, of all those facilities which increase the comfort and convenience of the nation, have been their constant care. The telegraph and postal systems are equal to those of most countries, while as to railways an increase from 18 miles in 1873 to almost 2,000 miles in 1894 may fairly be regarded as a good result even in this country of phenomenal railway developments.

Nor should it be forgotten that a great deal of the progress which Japan has made in every direction has been due as much to private enterprise as to government direction. The railway and steamship lines, for example, are almost exclusively under the control of private corporations. The government has, of necessity, taken the initiative in many things, but oftentimes it has been merely to set an example which has been readily and aptly followed.

There is another phase of Japanese development which is well worthy of notice. I refer now to the newspaper press. The Japanese, like the ancient Athenians, and, may I add, like modern Americans, are a people who delight in hearing new things. It need hardly be added that the press came to them, as it comes so often to us, to supply "a long-felt want." Its development has been little short of marvelous, and now it flourishes like the green bay tree, from the scholarly periodical, the didactic weekly, the political daily, down to the penny dreadful, for whose columns nothing short of murder and sudden death are fit matter. Many able, intelligent and patriotic men are enlisted in the ranks of the press in Japan, and they already exercise a potent influence upon public opinion and the conduct of public affairs. The government has deemed it necessary to establish regulations for the control of the press—a system more alien to American than to European ideas, but one which experience has shown is necessary to the public welfare, and to that proper distinction between liberty and license to which a youthful but an energetic and a powerful institution like the press of Japan might on occasion be oblivious.

The inhibitions of the press regulations are plain and precise. Their object is clearly stated, the preservation of public peace and morals, and restraint from interference with affairs of state where secrecy is a necessity, such as diplomatic negotiations and the like. The penalties they provide—suspension, fine, and minor imprisonment—are not severe. The heaviest penalty of all, the total suspension and confiscation of the paper, has never been inflicted.

In attempting to describe the changes through which Japan has passed and the effect which they have had upon the development of the country's resources and the increase of national wealth it has not been possible to omit some mention of the political transformation which has been so notable a feature of

her recent history. The one stands to the other in the relation of cause to effect, and what the future may have in store for Japan depends not a little upon the harmonious development of the governmental system which was adopted when the empire emerged from its seclusion.

On March 14, 1868, the Emperor, in the presence of the court nobles and feudal lords, made solemn oath that from that time forth the government and the people should unite in the development of the national power, and that the administrative affairs of the nation should be decided by public deliberation; that encouragement should be given to all the pursuits of life; that all abuses and evil practices should be abolished and the equitable principles of nature should be the guiding star of the nation; that wisdom should be sought in all the countries of the world, and whatever was good and right should be adopted to strengthen the basis of the national and the imperial power.

The solemn obligation thus voluntarily assumed by the ruler of a country whose predecessors had exercised despotic power furnishes the keynote to all that Japan has since accomplished. It clearly foreshadowed not alone the changes which immediately followed, but the consummation of all those changes which took place when in 1890 the Emperor established a constitutional form of government. It will thus be seen that this final result was achieved not on the impulse of the moment or in consequence of any political exigency, but in conformity with a plan adopted from the beginning. That plan was consistently held in view and systematically followed from the outset. The statesmen who under the imperial will guided Japan's destinies then, some of whom are still the trusted advisers of the emperor, wisely decided that the immediate establishment of parliamentary institutions was not practicable; but steps were taken to pave the way for such institutions by extending the rights and privileges of the people, most notably by the creation of the prefectural and other local assemblies, which exercise a certain degree of control over local affairs. These and other similar institutions were designed to educate the people in the practice of self-government, and they were in active operation a number of years before the first imperial diet was opened.

After the resignation of the Shogun in 1868 that office was abolished and a council of state was created, to which the Emperor confided the direction of public affairs. Several changes

in the formation of this council followed, until in 1885 the present executive system was adopted. It consists of a cabinet and a privy council. The former, presided over by the prime minister, is composed of the ministers in charge of the executive departments, who are directly responsible to the Emperor for the management of their offices. The functions of the privy council are purely advisory.

The different prefectures into which the empire is divided are under the charge of governors, appointed by the Emperor upon the recommendation of the minister for home affairs. In each prefecture there is, as I have already stated, a local assembly, which coöperates with the governor in the management of local affairs.

The imperial diet is composed of two houses, a house of peers and a house of representatives. The former body consists of members who hold office as a hereditary right; of a certain number who are elected by the different orders of nobility which are not entitled to seats in the house, and of a certain number appointed by the Emperor.

The members of the house of representatives are elected directly by the people. A property qualification governs the exercise of the electoral franchise.

This, in brief, is the executive and legislative system now in force in Japan. When everything is taken into account, it may be said to have worked smoothly and efficiently. Since the adoption of the constitution and the establishment of the diet there has at times been a great deal of political excitement, but throughout every storm of this kind there has been no attack upon the privileges of the people, no thought of an assault upon the fundamental law. The constitution has been scrupulously observed, and each struggle between the executive and the legislative branches of the government has been carried on within the lines defined by that instrument. Such contests are inevitable where men strive for political supremacy. In Japan they afford a useful vent for political passions, and when, in time, party principles are more clearly enunciated and party lines more sharply drawn, there is no reason to believe that parliamentary government in Japan will not achieve all that was hoped for it. The fact that in Japan, even from ancient times, a system of local self-government in town and village and rural district was conceded by the government and jealously retained

by the people affords perhaps the brightest augury for the success of self-government in Japan.

The systematization and codification of the laws of Japan was one of the first cares of the government after the restoration. It was their wish to adapt them as nearly as possible to western models. All cruel and unusual punishments have been long since abolished, and Japan has today a body of codified law based upon the best models. All of the codes are in successful operation, with the exception of the civil code, which has already been promulgated, but has for some time been undergoing revision at the hands of a commission of experts and will soon be put in operation.

In equal measure the judicial organization of the empire has been made the subject of careful study and thorough reform. In 1872 the Japanese judiciary was made independent of the other branches of the government, and courts were established presided over by judges who performed no other functions.

Ten years ago a system of competitive examination for appointment to judgeships was introduced, and has ever since been in successful operation. The constitution itself provides that jurisdiction shall be exercised by the courts of law according to law; that the organization of the courts shall be determined by law; that the judges shall be appointed from among those who possess the proper qualifications according to law, and that no judge shall be deprived of his office except for misconduct and by due process of law. A statute passed for carrying these constitutional guarantees into effect and providing for a comprehensive and complete reorganization of the courts of justice has been in operation for more than four years.